PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop: PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



		NONPROVISIONA	L PATENT APP	PLICA	TION TRANSMITTAL	168		
Sir:								
	Trans	mitted herewith for filir	ng is the patent a	applica	tion of:			
First N	lamed I	nventor (or Inventors)	:					
		Gunther Durhamme	er					
Title o	f Applic	ation:						
		CIGARETTE						
1.	Туре	of Application (37 C.	F.R. 1.53(b))					
	This a	pplication is a(n):						
		Original (nonprovisional) application.						
	\boxtimes	Continuing application	on:					
		☐ Divisional	Continuation	on	○ Continuation-in-Part (CIP)			
		of Serial No. <u>09/522,</u>	<u>877,</u> filed on <u>Ma</u>	<u>rch 10</u>	<u>, 2000</u> .			
		CER	TIFICATION UNDER	R 37 C.I	F.R. 1.10			
deposite Address	ed with th see" Mail	ne United States Postal Ser ing Label Number <u>EL7472</u>	rvice on this date <u>, Fe</u> 01843US, addresse	ebruary	s referred to as enclosed herein are being 6, 2004, in an envelope as "Express Mail il Stop: Patent Application, Commissioner of	to of		
Patents	, P.O. Bo	x 1450, Alexandria, VA 22	2313-1450.	\bigcirc	ala Buai			
Carla Bryan Name of person mailing paper				Signatu	re of person mailing paper			

(Application Transmittal Page 1 of 6)

This new application claims the benefit of prior U.S. application(s). A Preliminary Amendment is enclosed amending this application to state the relation of this application to prior applications. The relation of this application to prior applications is stated in the application. 35 U.S.C. 119(a)-(d) or 35 U.S.C. 365(a)-(b) Foreign Priority Claim for Prior Application This application, and prior U.S. application(s), including any prior International Application designating the U.S., identified above in item 2, claim(s) priority from one or more foreign applications as follows: (Country) (Application No.) (Filing Date) (mm/dd/yyyy) Europe 99105581.5 03/13/1999 □ Please amend the specification by inserting, after the title, the following: □ "The application claims priority from Application No filed on filed on has(have) been filed on April 26, 2000, in prior application 09/522,877, which was filed on March 10, 2000. □ is (are) enclosed. □ will follow.			rior U.S. Appi			• •	,	
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"The application claims priority from Application No filed or Certified copy(ies) of the application(s) from which priority under 35 U.S.C. 119 is claimed: \[\text{Nas(have) been filed on April 26, 2000, in prior application 09/522,877, which was filed on March 10, 2000.} \] \[Substitute of Substitute in Substit	_							
claimed: has(have) been filed on April 26, 2000, in prior application 09/522,877, which was filed on March 10, 2000. is (are) enclosed.	Euro	pe		991()5581.5		03/13	3/1999
which was filed on March 10, 2000. is (are) enclosed.	Euro	рре		nd the specifi	cation by inse	•	he title, the f	ollowing:
	Certif	ied cop	☐ "The	nd the specifi application c	cation by inso	from Applica	he title, the fa	ollowing:

4.	1.53(b	bsed Papers Required to Obtain Application Filing Date under 37 C.F.R. b)						
	4 3 1 0	Pages of Specification Pages of Claims Pages of Abstract Sheets of Drawings						
5.	Oath o	or Declaration						
		Newly executed Oath or Declaration (original or copy) is enclosed.						
	\boxtimes	Copy of Oath or Declaration from prior continuation or divisional application <u>09/522,877</u> (37 C.F.R. 1.63(d)).						
		The entire disclosure of the prior application, from which a copy of the oath or Declaration is supplied, is considered as being a part of the disclosure of the accompanying application and is hereby incorporated by reference therein.						
	\boxtimes	A Power of Attorney is included in the Oath or Declaration.						
		Not enclosed.						
6.	Additi	tional Papers Enclosed						
	\boxtimes	Return Receipt Postcard (specifically itemized) (M.P.E.P. § 503).						
		Application Data Sheet (Voluntary under 37 C.F.R. 1.76).						
		Preliminary Amendment.						
	\boxtimes	Information Disclosure Statement (37 C.F.R. 1.98).						
		Nucleotide and/or Amino Acid Sequence Listing computer-readable copy, paper copy, and statement verifying identity of computer-readable and paper copies.						
		Certified Copy of Priority Document(s).						
		Verified translation of non-English language application (37 C.F.R. 1.52(d)).						
		Other:						

7. **Assignment** 冈 An assignment of the invention to Tann-Papier Gesellschaft M.B.H.. \Box is enclosed. A separate: "Cover Sheet for Assignment (Document) Accompanying New Patent Application" is enclosed. Form PTO-1595 is enclosed. \boxtimes was made in prior application No. 09/522,877, filed on March 10, 2000. \bowtie A copy of the assignment (and any recordation cover sheet) is enclosed. will follow. П Not enclosed. 8. Request That Application Not Be Published Pursuant to 35 U.S.C. 122(b)(2) Pursuant to 35 U.S.C. 122(b)(2), Applicant(s) hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another

Warning

country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

9. Fee Calculation (37 C.F.R. 1.16)

Utility Application (37 C.F.R. 1.16(a))							Basic Fee	sic Fee \$770.00		
			FEES	FOR CL	AIMS AS FILE	ED				
Num	ber filed			Number	extra	Rate				
	Claims C.F.R. 1.	16 (c))	31	- 20	= 11	x \$ 18.00	=	\$	198.00	
	Independent Claims (37 C.F.R. 1.16(b)) 4 - 3 = 1 x \$86.00 =					\$ 86.00				
Multiple Dependent Claims (37 C.F.R. 1.16(d)) + \$ 290.00 =						\$ 0.00				
					Fee C	alculation fo	r Extra Claims	\$	284.00	
					xtra claims en Itiple-depende Total Fili			\$	<u>1,054.00</u>	
10.	Smal	l Entity	Stateme	nt						
		Small	entity sta	tus is clai	med under 37	C.F.R. 1.27	7.			
Filing	g Fee Ca	lculatio	n (50% of	Filing Fe	e calculated i	n Item 9 abo	ve)		\$	
11.	Fee P	aymen	t							
		Not e	nclosed.	No filing f	ee is to be pa	id at this tim	e.			
	\boxtimes	Enclo	sed:							
		\boxtimes	Basic fil	ing fee (It	em 9 or 10 at	oove)	\$ <u>1,054</u> .	.00		
					Assignment 1.21(h))		\$,	
					etention fee R. 1.53(d) and	d 1.21(l))	\$			

Total fees enclosed

\$<u>1,054.00</u>.

12.	Meth	nod of Payment of Fees							
	\boxtimes	Check in the amount of \$ 1,054.00.							
		Charge Deposit Account No in the amount of \$ A duplicate of this transmittal is enclosed.							
13.	n to Charge Additional Fees								
	\boxtimes	by this	The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. 082461 :						
		\boxtimes	37 C.F.R. 1.16(a), (f), or (g) (filing fees)						
		\boxtimes	37 C.F.R. 1.16(b), (c), and (d) (presentation of extra claims)						
			37 C.F.R. 1.16(e) (surcharge for filing the basic fee and/or declaration at a date later than the filing date of the application)						
			37 C.F.R. 1.17 (application processing fees)						
		A dupl	licate of this transmittal is enclosed.						
14.	Instru	uctions	as to Overpayment						
		⊠ Cre	edit Deposit Account <u>08-2461</u> .						
15.	Corre	esponde	ence Address						
	\boxtimes	Custor	mer Number or Bar Code Label: 23869						
	Pleas	e addres	ss all correspondence to:						
			Charles R. Hoffmann, Esq. HOFFMANN & BARON, LLP 6900 Jericho Turnpike Syosset, New York 11791						
			Telephone: 516-822-3550 Fax: 516-822-3582 Justin K. Holmes Registration No. 42,666						
			Attorney/Agent for Applicant(s)						

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE pplicant(s) Durhammer, Gunther Examiner: Fiorilla, C. Serial No .: 09/522,877 Group Art Unit: 1731 Filed: March 10, 2000 Docket: 283-4 For: CIGARETTE Dated: February 6, 2004 Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 PETITION FOR EXTENSION OF TIME Sir: Pursuant to 37 C.F.R. 1.136(a), an extension of time of one month \$ 110.00 Small Entity \$ 55.00 two months 420.00 210.00 950.00 three months four months 1,480.00 is hereby requested to respond to the Official Action mailed file a Notice of Appeal file an Appeal Brief now due other (specify) File a Continuation In Part Application by February 9, 2004 The requisite fee pursuant to 37 C.F.R. §1.17 is enclosed by check.

If any additional fees are due or any overpayment has been-made, please charge our Deposit Account No. 08-2461 or credit our Deposit Account for such sum.

Respectfully submitted,

Justin K. Holmes

Registration No. 42,666

Hoffmann & Baron, LLP 6900 Jericho Turnpike Syosset, NY 11791 (516) 822-3550 EXPRESS MAIL CERTIFICATE

Date: 2-6-04 Label No. EL 747201843 US

I hereby certify that the date indicated above, I deposited this paper or fee with the U.S. Postal Service and that it was addressed for delivery to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 by "EXPRESS MAIL Post Office to Addressee" Service.

CARLA BRYAN Carla Bryan
(Print Name) (Signature)